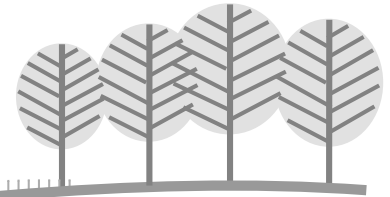


S.O.S. DUNES NEWS



Save Our Sand Dunes

S.O.S. DUNES NEWS IS PUBLISHED INTERMITTENTLY BY PRESERVE THE DUNES, INC.

VOL. 3 NO. 1 FEBRUARY 2000

LAWSUIT UPDATE

NEW JUDGE

For the second time a new judge has been assigned our case. Due to a reorganization of the Berrien County Courts, Chief Judge Maloney will hear the case.

TRIAL DATES — TIMES

Minor changes to the schedule have been made necessary due to prior commitments of Judge Maloney. The court dates are March 14-17 and March 22-23. See the box below for times. Please plan to attend one or more sessions. It is extremely important that we show the press and the court how important these issues are.

EXPERT WITNESSES

PTD has assembled an impressive group of expert witnesses. These include William Farrand, Ph.D, a Professor of Geological Sciences at the University of Michigan, who will testify regarding the formation of the dunes and why they will not be replaced in human history. Dr. Farrand is also curator of Analytical Collections, Museum of Anthropology at UM and Director, Exhibit Museum of Natural History at UM.

Barbara Madsen, Ph.D, a botanist from the University of Michigan will provide testimony regarding the flora on the Nadeau Site - Taube Road

Expansion. She will explain the significance of the existing ecosystem and why the threatened species found there cannot be transplanted satisfactorily.

Tim Harrington, of Harrington Engineering and Construction, Inc., will testify that the Planning and Reclamation Plan for the mining operation fails to meet the requirements of the law and that additional damage to the environment is likely to occur — damage not even mentioned in the Environmental Impact Statement submitted with the permit application.

Robert Graham, a retired Ford Motor Company Vice President, will be an important expert. He was responsible for Ford's foundry operations and will describe how Ford shifted from using dune sand to inland sand in the late 1970's. By making minor changes in their processes, they were able to produce castings of equal or better quality for the same or less cost without causing destruction of the dunes.

The defendants will have someone from General Motors to testify that dune sand is essential to the foundry industry. It seems that this would be embarrassing to GM.

Perhaps, public awareness of Ford's leadership in this area will cause GM and Chrysler to become more environmentally responsible and stop the destruction of these

unique, fragile and irreplaceable natural resource.

NEWS BRIEFS

LEGISLATIVE FRONT

State Representative Charles LaSata (Berrien County) is working to set up a meeting between PTD and the DEQ's Geological Survey Division (GSD). The meeting was originally scheduled for early in February, but Harold Fitch, Chief of the GSD stated that he was in conference for the month of February.

In the meantime, Rep. LaSata has drafted an amendment to the sand dune mining law that will require timely reclamation of each mine cell and of the entire mine at cessation of mining. PTD has offered comments and suggestions on the draft.

THUNDER MOUNTAIN BUFFER

PTD has written several letters to the DEQ complaining about the failure of TechniSand to comply with the approved plan to restore the buffer adjacent to the Thunder Mountain Heights property.

While most trees are not as large as had been specified, TechniSand has finally planted additional ones. We have requested that the DEQ require irrigation until the plantings have taken root and survived a year.

DREDGING SETBACK VIOLATED

Review of aerial survey photographs taken October 31, 1999 revealed that TechniSand was dredging in the Nadeau Pit closer than 500 feet from Rogers Creek.

This was reported to the Land and Water Management Division (LWMD) of the DEQ. After being notified by the LWMD TechniSand agreed to fill-in the lake until it was

COURT TIMES: PTD vs. M/DEQ & TechniSand
Berrien County Courthouse, Juge Maloney's Court

Day	Date	Morning Hours	Afternoon Hours
Tuesday	March 14	8:45 AM to 12:00 PM	1:15 PM to 4:30 PM
Wednesday	March 15	8:45 AM to 12:00 PM	1:15 PM to 3:15 PM
Thursday	March 16	8:45 AM to 12:00 PM	1:15 PM to 4:00 PM
Friday	March 17	None	1:15 PM to 4:00 PM
Wednesday	March 22	8:45 AM to 12:00 PM	1:15 PM to 4:30 PM
Thursday	March 23	8:45 AM to 12:00 PM	1:15 PM to 4:30 PM



This aerial photograph of Nadeau Pit was taken in the winter of 1978-79. It shows the mine at the time a permit was applied for under the then recently enacted Sand Dune Protection Act. Approximately 30 acres had already been destroyed. The parabolic, horse shoe, shaped dunes are visible just to the north (left in the photo) of the bare area. The entire mine is in what was a "barrier dune." Photo by John Konopa of Covert.

at least 500 feet from the creek. They stated that their map had shown the creek in the wrong location. Our review of their maps revealed that the creek was accurately located. They just did not know where they were dredging, or else they assumed that no one was looking.

MINING SETBACK VIOLATED

The aerial survey photographs also showed that TechniSand was strip mining a portion of the Nadeau Pit buffer near Rogers Creek. In public meetings prior to the mining permit being issued (1978) DEQ officials suggested that they might prohibit mining within 500 feet of the creek. They are now mining within 100 feet of the creek.

As a result of the encroachment into the buffer, sand has blown over the crest of the dune above Rogers

Creek, threatening the trees and shrubs on the slope. There is a danger of creating a blowout. Even without a blowout sand is making its way down to Rogers Creek, potentially silting it up and destroying habitat for the trout.

CASCO TOWNSHIP

After the Casco Township Planning Commission rejected TechniSand's application for a special use permit for a sand mine in the township's agricultural district TechniSand announced that they would reapply. With their resubmittal, they requested a private meeting with the Planning Commission. They wanted to work through any problems in the meeting, and then if necessary, have a public meeting on the application. This is clearly an attempt to circumvent public review. Fortunately, the Open Meetings Act re-

quires that all meetings be open to the public and that public notice be given for all meetings.

FROM THE ARCHIVES

The photographs on this and the following page illustrate the destruction of the critical dunes at the Nadeau Pit over the past 21 years.

ODDS & ENDS

WEB SITE

Since we first set up our web site, it has had over 90,000 "hits." Visitors have come from all over the U.S and from countries around the world.

The web site features color photographs of some of the sand dune mines, the text of all the newsletters, links to other sites, press releases, legal documents such as



Nadeau Pit, December 1999, showing the extent of destruction. 115 acres of the site have been mined. Only a small portion has been reforested. Portions have been planted with grass. A plant site was added to the mine by amendment. It does not have to be reclaimed until all mining is completed. The DEQ has allowed it to expand to nearly 30 acres, which is the area of all active cells allowed by the law. Photo by Will Hart of Casco.

briefs and our "application for leave to appeal." If you have not yet done so, visit the web site at:
<http://www.daac.com/sosdunes/>.

PLEASE . . .
 Join with us in fighting to preserve the sand dunes of southwest Michigan. Complete the response form

below and return it, or record your support at the web site. If you can, please make a contribution as well. And let us know of upcoming

Please return this response form to support the goals of Preserve the Dunes.

We need to tell elected officials and government employees how many residents and property owners support these efforts. This measure of support is critical to successfully protecting the dunes and restricting sand dune mining. Only your name and address are necessary.

If you can also contribute financially, the funds are needed to continue our struggle to preserve the dunes through distribution of information, keeping our state representatives and local officials informed, and ensuring that the laws governing sand dune mining are enforced.

Preserve the Dunes, Inc. — Response Form

Mail the completed form to Preserve the Dunes, Inc., Post Office Box 38, Hagar Shores, MI 49039

I want to preserve the dunes of southwest Michigan and am concerned about the expansion of sand dune mining.

Name(s)		Michigan Address (if different)
Home Address		City, State, Zip
City, State, Zip		Telephone
Telephone 1	Telephone 2	Fax
Fax	eMail	

Annual Membership Form

In addition, enroll me(us) as a member for 2000.

Individual (\$6)

Family (\$10)

I have also included a contribution in the amount of \$

Please contact me to work on the following committees:

Legal Affairs

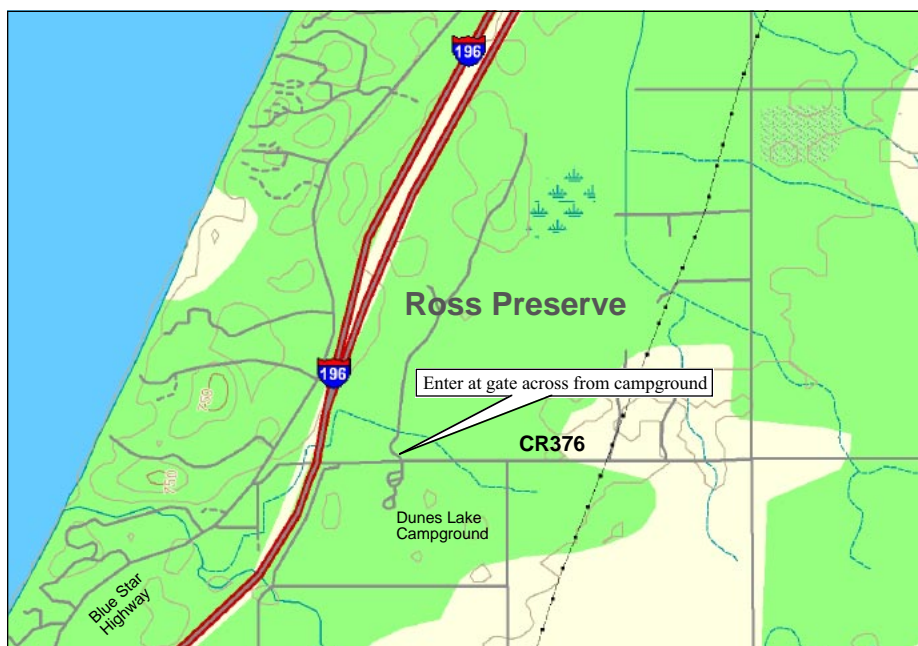
Finance/Fund Raising

Newsletter

Public Hearings

Memberships

Membership dues underwrite the expense of keeping members informed about efforts to preserve the dunes and monitor sand mining activities in Berrien and Van Buren counties. Checks should be made payable to West Michigan Environmental Action Council/Preserve the Dunes Fund. Contributions are tax deductible.



changes in address. The USPS charges an additional 50¢ each time they forward a newsletter.

ROSS PRESERVE TOUR

On Saturday, April 22, at 1:00 PM Chuck Nelson, Director of Sarett Nature Center, will conduct a guided tour of the Ross Preserve for members of Preserve the Dunes.

The Nature Conservancy owns the Ross Preserve. Sarett manages it. The preserve contains wooded sand dunes, as well as interdunal ponds. Usually these ponds are just behind the foredune — here they are a mile inland. The ecosystem found in

these intermittent wetlands are found elsewhere only along the Atlantic seaboard.

HOW TO GET THERE

Refer to the above map. Enter Ross Preserve through the gate on the north side of County Road 376 just across the street from the Dunes Lake Campground entrance. Then follow the road until you arrive at the parking area (about one mile). *The gate will be closed at 1:00 PM, so don't be late.*

FINALLY ...

Those who contribute \$100 or more to Preserve the Dunes will receive a

copy of *Discovering Great Lakes Dunes*. This small book features beautiful photography and presents an overview of the dunes, explains their formation and describes the various environments and habitats within the dunes.

ONCE AGAIN ...

Thanks again to all of you who have contributed time and hard work in realizing the success that PTD has achieved to date.

A SUPPORTER'S OBSERVATIONS

Recently, we received the following comments from a visitor to the website.

"I have spent 50 summers on the dunes of Lake Michigan and would hope that my children and their children will be able to continue to enjoy the beauty of the area. But the beauty of nature cannot just be a facade. Only through preserving the entire ecosystem with all its complexities, will we be able to preserve the beauty of the natural world. Strip mining destroys the ecosystem. We may think we can repair the damage caused by strip mining, but it is just a facade. We don't even know the extent of the damage done to the ecosystem, let alone know how to repair the damage. The strip mining of the dunes must be stopped, immediately."

Gail Goldblatt.

Send us your thoughts.

Preserve the Dunes, Inc.
P. O. Box 38
Hagar Shores, MI 49039

ADDRESS SERVICE REQUESTED

PRESORTED STANDARD
US POSTAGE PAID
BENTON HARBOR MI
PERMIT NO. 75